IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 9931 of 1999

Between:

M.Sreenivasa Rao S/o M.Subba Rao, Aged 33 years,

Occ:Contract labour, (L.T.Meter Tester) Anantapur Distirct

..... PETITIONER

AND

1. A.P.S.E.Board, rep. By its Secretary, Hyderabad.
2. The Superintentending Engineer (Operations),

Anantapur,

3. The Divisional Manager (MRT), Anantapur

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or directions more particularly one in the nature of writ of mandamus declaring the action of the respondents in rejecting the claim of the petitioner vide Proc.No.1015/98, dated 2.6.1998 is illegal and unsustainable, bad in law and further declare the B.P.Ms.No.271, dated 31.12.1997 is inapplicable and order to appoint the petitioner in terms of B.P.Ms.No.36, dated 18.5.1997.

Counsel for the Petitioner:MR.P.SRINIVASULU

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court made the following :

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O R D E R :

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The petitioner has filed this writ petition seeking his appointment in terms of B.P.Ms.No.36, dated 18.5.1997 alleging that he worked as contract labour and therefore he is entitled to absorb in the respondents' organization.

Admittedly, as per the terms and conditions of B.P.Ms.No.36, dated 18.5.1997 the contract labour whoever is on the rolls as on 18.5.1997, are entitled to be regularized. Admittedly, the petitioner worked as contract labour from 06.11.1987 to 15.07.1994 and he was not working as contract labour as on the notified date i.e. 18.05.1997. Therefore, I am of the opinion that as per the terms and conditions of the said B.P.Ms.No.36, dated 18.05.1997, the petitioner is not entitled to absorb in the organization of the respondents.

Accordingly, the writ petition is devoid of merits and it is dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

Dated:28-10-2004,

Ccm/shr

To:

1. The Secretary, A.P.S.E.Board, Hyderabad.
2. The Superintentending Engineer (Operations),

Anantapur,

3. The Divisional Manager (MRT), Anantapur

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